



Title 4 § 1 Positive Law
Flag of the Republic.



12-CV-02048-TN

:Fred-Francis: :Mark-Edward.
a Private Citizen Pennsylvania
and Illinois are Nativity American
Nationals Under Almighty God and
the common law of the Commonwealth of
Pennsylvania, and Illinois Po Box 98
Bellevue Washington
Zip Exempt [CF98009CF].
425-558-4838.
Not Pro Se, Sur Juris In Propria Persona

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____
DEC 14 2012
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

:Fred-Francis and :Mark-Edward (Suitors)
Real Party's in Interest, appearing In Propria
Persona, with unalienable rights Original
Estate-Article III; Constitution.

Petitioners.

vs.

THOMAS M. WOODS, and JENNY ANNE
DURKAN, and ANDREW D FRIEDMAN,
THE UNITED STATES ATTORNEYS
OFFICE and CJA ADMINISTRATION
FEDERAL PUBLIC DEFENDER'S
OFFICE and NANCY TENNEY, and
BRIAN A. TSUCHID and ROBERT
STEPHEN LASNIK, and TIMOTHY F.
GEITHNER and R.A. MITCHELL and
CHARLES WASHINGTON, and
MICHAEL BALL, GILBERT HENRY
LEVY All "policy" employees of UNITED
STATES OF AMERICA, not a party, (A
federal entity which is not the de jure united
States of America). All agents of a foreign
principal with false claims in assumpsit to
rights in the original estate-Article III;

Admiralty Case No.12-C-2048-JCC.
(Original Estate-Article III; Constitution)

ESTOPPEL
BY MATTER OF RECORD AND WANT
OF JURISDICTION IN FAVOR of
Petitioners reject any bogus order for
GILBERT HENRY LEVY treasonable
actions for unlawful MOTION FOR
RECONSIDERATION OF DENIAL OF
MOTION FOR AN ORDER TO SHOW
CAUSE.

RE: ESTOPPEL TO WRIT:
Exhibit Document 59 filed 12/12/12.
Refused for Cause in Red.

THIS CASE IS FILED UNDER THE
DE JURE ARTICLE III FOR LIABLE
OF REVUE NO UNCONSTITUTIONAL
INSURRECTION OF GILBERT
HENRY LEVY or DE FACTO
OFFICERS MAY MAKE ANY FORM

Constitution for Case CR12-262RSL. &
DOES 1-200.

Respondents.

**APPEARANCE PER THE
DE JURE THIRTEENTH
AMENDMENT To Writ:**

**By Special Appearance Rule E(8) Filed
under a Full Reservation of Unalienable
Rights By Real Party In Interest.**

ESTOPPELAS A MATTER OF COURT RECORD

Comes now Petitioners of the Nomen family Frink and Hill speaking for our family and estate, We are regenerate men in the faith of Yahoshua H'Mashiach **יְהוֹשֻׁעַ הַמָּשִׁיחַ** and making a special visitation by absolute ministerial right to the district court, "restricted appearance" under Rule E (8) and claim under Federal Rules of procedure Rule (h).

Municipal agents Respondents and there appointed office has been making false claims and this counterclaim and notice lis pendens are now in the "exclusive original cognizance" of the United States through the district court - see the First Judiciary Act of September 24, 1789, Chapter 20, page 77.

Petitioners appearing In Propria Persona, who is the natural born free men under Almighty God known as Sur Names :Fred-Francis of the Nomen Family Frink and Mark Edward of the Nomen Family Hill and who are not artificial "U.S. citizens" We, :Fred-Francis and :Mark Edward are the Real Party in Interest, being a sovereign State's born Private Citizen of the sovereign State of the Union known as the Commonwealth State of Pennsylvania and Illinois.

יְהוֹשֻׁעַ הַמָּשִׁיחַ Yehoshua H'Natzrith V'Molech H'Hadiim – Jesus
Christ King of the Jews. Hebrew acronym YHVH the Name of God.

We, Civilian Citizen , Fred Francis and Mark Edward possess inherent and unalienable rights under the Organic Acts of the united States of America and have never abrogated our rights to be a lesser federal “U.S. citizen” under Article 1, Section 8 of the Constitution of the Republic.

We have been injured by direct threat and a frivolous legal complaint, placed under duress by threat of involuntary servitude exercised under color of law while trying to defend our rights to life and liberty.

:Fred-Francis falsely accused of a crime with out “corpus delecti”, and :Mark-Edward hereinafter We INVOKE all of our inherent and unalienable rights as an American “National” and Private Citizen. Our documents are filed under a full reservation of rights, Our God-given unalienable rights are as affirmed under the common law of the *Articles of Confederation*, the *Northwest Ordinance* and the *Constitution of the united States of America*, its Republic and its Union of States.

Petitioners AS AMERICAN NATIONALS, DO NOT CONSENT to these proceedings! “Case CR12-262RSL” Plaintiff in error, the UNITED STATES OF AMERICA, a foreign entity to my Civilian Citizen status as :Fred-Francis, has acted in error and only represents artificial “U.S. citizens” within its territories under Article 1, Section 8, and adhesion to same denies me, a Civilian, my inherent, inalienable and unalienable rights under the birth law rights of my birth State and the Organic Laws of our sovereign Nation, the united States of America.

Said foreign federal jurisdiction is not a “... Republican Form of Government ...” (*ARTICLE IV, Section 4 – Constitution*) and is not our National Government of the States, but a Federal Government with limited civil rights secured by the Constitution of the Republic under ESTOPPEL BY MATTER OF RECORD 3 of 18 Attached Document 59 1 of 5 refused

ARTICLE 1, Section 8 and ARTICLE 1, Section 10 thereof.

THE FACTS

- 1) **Petitioner :Fred-Francis natural born citizenship status and inherent rights by changing the filing status** of the **"Real Party in Interest", :Fred-Francis Frink** from that of having been filed in "Propria Persona" to "Pro Se", in Case CR12-262RSL.a malicious, unlawful conversion of lawful status and **a practice of law by the court**, constituting **fraud on court** by GILBERT HENRY LEVY in his documents directing Defendant in error to remove and strike all motions and "Pro Se" pleadings or "Pro Se" Filings.
- 2) Ignored and refused to affirm or investigate the fact that defendant in error dose not have CONTRACTS as federal **"U.S. citizens"** a blatant **violation and denial of due process rights and citizenship rights** all acting in direct violation of Rule 17, of the Federal Rules of Civil Procedure (FRCP) (re Real Parties in Interest) and the "Clearfield Doctrine" (re lack of citizenship contracts), constituting fraud on court and abuse of justice at all U.S. Federal Government judicial levels.
- 3) I, :Mark-Edward hereinafter know hereinafter as Petitioner in Admiralty Case No.12-C-2048-JCC Original Estate-Article III; Constitution and hereinafter Respondent GILBERT HENRY LEVY has been making false claims and attempting to get a bogus order without evidence of personam or subject matter jurisdiction to unlawful attempt to draw petitioner into a foreign jurisdiction and committing the act of treason are now in the "exclusive original cognizance" of the United States through the district court - see the First Judiciary Act of September 24, 1789, Chapter 20, page 77. Petitioner makes the following declaration of ESTOPPEL TO WRIT:
- 4) Petitioner States the facts as follows: Jurisdiction for subject matter or personam must be must be proven with evidence before the court and submitted on the record before such action

may take place.

5) Respondent GILBERT HENRY LEVY submitted a unlawful MOTION FOR RECONSIDERATION OF DENIAL OF MOTION FOR AN ORDER TO SHOW CAUSE in Case CR12-262RSL has made faults presumptions without evidence and has placed fraud upon the court, petitioner rebuts point for point the following declaration of ESTOPPEL TO WRIT:

6) Respondent GILBERT HENRY LEVY in Document 59 filed 12/12/12 page 1 of 5 makes accusations that Mark Hill is continuing to attempt to disrupt these proceedings by filing frivolous pleadings in the related civil matter Admiralty Case No.12-C-2048-JCC .

7) Petitioners "Rebuttal" MOTION FOR RECONSIDERATION OF DENIAL OF MOTION FOR AN ORDER TO SHOW CAUSE now refused for cause in Admiralty Case No.12-C-2048-JCC Original Estate-Article III; Constitution are "exclusive original cognizance" which petitioner has a unalienable right to file any grievances or refuse any commercial offers made by Respondent a de facto unconstitutional officer GILBERT HENRY LEVY and petitioner hereby refuse them for cause, GILBERT HENRY LEVY his facts are hearsay and no evidence to support any alleged facts any filings submitted by GILBERT HENRY LEVY he has never meet me nor dose he know me and has no first hand knowledge to make such claims and has not filed any pleading in said case herein or Rebuttal to date.

8) Respondent GILBERT HENRY LEVY in his supplemental statements of facts Which is complete hearsay, Respondent stated Mark Hill (sic) Whom is :Mark-Edward (Suitor) from continuing to attempt to disrupt these proceedings by filing frivolous pleadings in the related civil matter. Mr. Hill (sic) has seized upon this denial to engage in further disruptive conduct (sic).

9) Petitioners "Rebuttal" there is no evidence to supporting federalized citizenship for Petitioner, Petitioner status as a American National outside the jurisdiction of this non - Article III court case CR12-262RSL is well established though out the Ninth District :Mark-Edward as (Suitor) has many supporting cases under Diversity of Citizenship, there are no commercial contracts any STATE or FEDERAL Admiralty Case No.12-C-2048-JCC is exclusively filed under Rule (9) h under Article 1 section 2 of the dejure united States Constitution for Diversity of Citizenship.

10) Petitioner :Mark-Edward in every document made know to all courts in every document created of his sovereignty and political status. Example in Texas memorandum there are three types of public officers, *de jure*, *de facto*, and usurpers. A *de jure* officer is one who one who has been in total compliance with all requirements of law and holds title to the office by right. *See*, Black's Law Dictionary, Sixth Edition.

11) Texas law recognizes a distinction between holding an office by title and holding it by sufferance. Bickford v. Cocke, 54 Tex. 482 (1881) and see: Tom v. Klepper, 172 SW 721 (1915). A *de facto* officer is one who, while in actual possession of the office, is not holding such in a manner prescribed by law.

12) Petitioner uses Texas law based of my own opinion it has competence in its legislative verses most States.

13) *See*, Black's Law Dictionary, Sixth Edition. A *de facto* officer's authority cannot be collaterally challenged and his acts generally have the same force and effect as a *de jure* officer. An usurper of a public office is one who either intrudes into a vacant office or ousts the incumbent without any color of title, or is one who is attempting to fill a pretended office not

created by law.

14) See, Black's Law Dictionary, Sixth Edition, and Norton v. Shelby Co, *infra*. A good definition of a *defacto officer* is found in *Texas Jurisprudence, 3d, Vol. 60, Sec. 344, at page 583: defacto officer* is found in *Texas Jurisprudence, 3d, Vol. 60, Sec. 344, at page 583:*

15) The law requires public officials, appointed and elected, both state and federal, to be properly qualified for office before the officer enters the office and the office must exist as a matter of law.

16) It has been held that: "A *de facto* body cannot create a *de jure* officer." von Nieda v. Bennett, 106 ALR 1320, 117 NFL 231, 187 A 629. If the officer is not qualified under the law, the officer is an officer *de facto*. The law requires that the office legally exist. "There can be no incumbent *de facto* of an office if there be no office to fill." Norton v. Shelby County, (1886) 118 U.S. 425, 441, 6 S. Ct. 1121.

17) The court held: But it is contended that if the act creating the board was void, and the commissioners were not officers *de jure*, they were nevertheless officers *defacto*, and that the acts of the board as a *de facto* court are binding upon the county.

18) This contention is met by the fact that there can be no officer, either *de jure* or *de facto*, if there be no office to fill. As the act attempting to create the office of commissioner never became a law, the office never came into existence. Some persons pretended that they held the office, but the law never recognized their pretensions, nor did the supreme court of the state.

19) Whenever such pretensions were considered in that court, they were declared to be without any legal foundation, and the commissioners were held to be usurpers.

20) The doctrine which gives validity to acts of officers *de facto*, whatever defects there

may be in the legality of their appointment of election, is founded upon considerations of policy and necessity, for the protection of the public and individuals whose interests may be affected thereby.

21) Offices are created for the benefit of the public, and private parties are not permitted to inquire into the title of persons clothed with the evidence of such offices, and in apparent possession of their powers and functions. For the good order and peace of society their authority is to be respected and obeyed until, in some regular mode prescribed by law, their title is investigated and determined.

22) It is manifest that endless confusion would result if in every proceeding before such officers their title could be called in question. But the idea of an officer implies the existence of an office which he holds. It would be a misapplication of terms to call one an 'officer' who holds no office, and a public office can exist only by force of law.

23) This seems to us so obvious that we should hardly feel called upon to consider any adverse opinion on the subject but for the earnest contention of plaintiff's counsel that such existence is not essential, and that it is sufficient if the office be provided for by any legislative enactment, however invalid.

24) Their position is that a legislative act, though unconstitutional, may in terms create an office, and nothing further than its apparent existence is necessary to give validity to the acts of its assumed incumbent. That position, although not stated in this broad form, amounts to nothing else.

25) It is difficult to meet it by any argument beyond this statement: **An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates**

no office; it is, in legal contemplation, as inoperative as though it had never been passed.

Norton v. Shelby Co., supra.

26) Fact GILBERT HENRY LEVY has no office, he has no duty to my client, he has no lawful evidence of contract or can lawfully represent any one see Federal Judge James Alger Fee. In U.S. vs. JOHNSON (76 Fed, Supp. 538), Federal District Court Judge James Alger Fee ruled that.

27) "The privilege against self-incrimination is neither accorded to the passive resistant, not to the person who is ignorant of his rights, nor to one who is indifferent thereto. It is a FIGHTING clause. It's benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person." McAlister vs. Henkle, 201 U.S. 90, 26 S.Ct. 385, 50 L. Ed. 671
Commonwealth vs. Shaw, 4 Cush. 594, 50 Am. Dec. 813; Orum vs. State, 38 Ohio App. 171, 175N.E. 876.

28) Petitioner declares that, **'unalienable'** rights are not accorded the passive resistant. Rights are not available to the individual who is ignorant of his rights. Nor are rights available to a person who is indifferent, or in other words, a person who simply doesn't care. And further, judge Fee has clearly informed you that **your attorney can not claim your rights for you.** Which is another way of saying that **your attorney can not truly represent you.**

29) Judge Fee tells you that rights are only available to a belligerent claimant in person. He further stated that to claim your rights in a court of this country, you must be willing to engage in **sustained combat.**

30) **Due to the following facts:** GILBERT HENRY LEVY or any non Article III has

jurisdiction, and can not impair my rights to contract and any agreements made after April 12, 2012 with Fred-Francis of the genealogy Frink, are null and void, and the fact remains Fred-Francis agreements with GILBERT HENRY LEVY where agreed to while incarcerated under threat and duress of imprisonment which is not a voluntarily dismissal, the misrepresentations of GILBERT HENRY LEVY are fraud upon the court and all actions are unlawful.

31) GILBERT HENRY LEVY stated Among other things, Hill has named the undersigned as a defendant in the frivolous lawsuit. He has filed an additional pleading which appears to contain a number of threats. The Case is filed under Diversity of Citizenship.

32) Petitioners "Rebuttal" I have stated that I am not threatening any one I have a right to seek a common law remedy where the common law is competent to give it, I have not power or authority to harm or threaten anyone, misunderstanding of any of my submissions let me state on and for the record the documents makes no threats or actions by petitioner only requesting and stating the facts, it is not meant to threat or harm anyone my interpretation of the nature of this cause is Injunctive relief, albeit preemptive. Title 28 U.S.C. §636(b)(1)(A) and is filed upon information and belief in accordance with Rule 11.

33) Which basic in simple terms means I want me and my client to be left alone nothing of this case can harm anyone there are no monetary damages there are no consequences or sufferings or threatening harm can come about and if their where any consequences it would be due to there own actions of furtherance of fraud and GILBERT HENRY LEVY or any of the respondents has not gave me a "Rebuttal" or a lawful response that I have seen or been served.

34) I have a right to uphold and defend my rights and my clients rights to contract it seems that GILBERT HENRY LEVY is whom has made the threats by stating that he will hold me in

contempt of court. A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] *Sramek v. Sramek*, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

35) I have no civil contract with this court to hold me in contempt my threshold issues are "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings. "Hagans v Lavine 415 U. S. 533. there is no evidence of jurisdiction or subject mater, There is no criminal contempt because there is no victim.

36) I believe the supreme court ruled in: "In every prosecution for crime it is necessary to establish the "corpus delecti", i.e., the body or elements of the crime." *People v. Lopez*, 62 Ca.Rptr. 47, 254 C.A.2d 185.

37) **CONCLUSION** according to *Connally v. General Construction Co.*, 269 U.S. 385,391. Notification of legal responsibility is "the first essential of due process of law". See also: *U.S. vs. Tweel*, 550 F.2d.297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading."

38) GILBERT HENRY LEVY or any of the Respondents herein have NOT given Petitioners A "Rebuttal" of any kind so this ESTOPPEL is evidence as A MATTER OF COURT RECORD that respondent GILBERT HENRY LEVY and Respondents are silent and If the STATE or the UNITED STATES claims some right, or interest in the people, it means that the STATE is treating the people as property, and when people are treated as property they are slaves.

39) Debt bondage or peonage is a form of slavery and slavery is against the law. Slavery ESTOPPEL BY MATTER OF RECORD 11 of 18 Attached Document 59 1 of 5 refused

violates the 13th Amendment fully incorporated in Liable of Review. Slavery violates federal law at Title 18 U.S.C., Section 1581 and Title 42 U.S.C. 1994.

40) In Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958) Whenever a judge acts and deprives any person of any of the rights guaranteed by the Constitution, that judge has declared war against the Constitution. (No state legislature, executive, or judicial officer can war against the Constitution without violating his undertaking to support it. (this is perjury)).

41) The issues argued in GILBERT HENRY LEVY motion order to show cause and Judge ROBERT S. LASNIK order denying his motions is a MOOT issue has nothing to do with the petitioners rebuttal herein Subject matter jurisdiction cannot be waived by parties, conferred by consent, or ignored by court. *Babcock & Wilson v. Parsons Corp.*

42) In Millikan v. Booth, A party is not in default so long as he has his pleading on file which makes an issue in the case that requires proof on part of the opposite party in order to entitle him to recover.

43) There are no respondents pleadings of record to date CJA ADMINISTRATION FEDERAL PUBLIC DEFENDER'S OFFICE and NANCY TENNEY where respondents before the assignment of GILBERT HENRY LEVY whom was told that if he where to attempt to represent Petitioner Fred Francis he would be JOINDER to the case GILBERT HENRY LEVY was fully disclosed to the consequence of his office CJA ADMINISTRATION and he knew about the case before he attempted to fraudulently represent my client by my right of contract under the under the Sixth amendment.

44) Under the doctrine of unclean hands, a court may refuse to grant equitable relief to a plaintiff who has been guilty of unlawful or inequitable conduct regarding the issue in dispute.

Lazy M Ranch, Ltd. v. TXI Operations.

45) The findings show fraud on [the part of the party seeking legal subrogation]. He does not come into court with clean hands, and is therefore not in a position to invoke the equitable principles upon which legal subrogation rests.); *Rotge v. Dunlap*.

46) A presumption is an inference in favor of a particular fact; a rule of law, statutory or judicial, by which finding of a basic fact gives rise to existence of the presumed fact, until the presumption is rebutted. It is a legal devise, which operates in the absence of other proof to require that certain inference be drawn from the available evidence.

47) A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence.

48) A presumption is either conclusive or rebut table. Every rebut table presumption is either a presumption affecting the burden of producing evidence or a presumption affecting the burden of proof.

49) A presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of non persuasion, which remains throughout the trial upon the party on whom it was originally cast.

50) A rebut table presumption can be overturned upon the showing of sufficient proof. See Defendant in error documents and submissions to this court with all rights reserved.

51) In general, all presumptions other than conclusive presumptions are rebut table presumptions.

52) Once evidence tending to rebut the presumption is introduced, the force of the presumption is entirely dissipated and the party with the burden of proof must come forward with evidence to avoid a directed verdict. (See: Black's 6th). The Supreme Court discusses substantive and rebuttable presumptions in *Heiner v. Donnan*.

53) **WHEREFORE** this court for Case CR12-262RSL is a court of limited jurisdiction it is not an Article III court and Judge ROBERT S. LASNIK is not an Article III Judge and Petitioners have a right to pursue Article III as beneficiary of the de jure Constitution and has the right to accept the oath of offices of Judges of this court and all respondents and to have full disclosure to all whom are public servants and has not the right to threaten and intimidate me so I may drop my case and rights to Admiralty Case No.12-C-2048-JCC.

54) A few of the definitions of fraudulent concealment a Party having superior knowledge who takes advantage of another's ignorance of the law to deceive him by studied concealment or misrepresentation can be held responsible for that conduct. *Fina Supply, Inc. v. Abilene Nat. Bank*.

55) Party in interest may become liable for fraud by mere silent acquiescence and partaking of benefits of fraud. *Bransom v. Standard Hardware, Inc.*

56) When circumstances impose duty to speak and one deliberately remains silent, silence is equivalent to false representation. *Fisher Controls International, Inc. v. Gibbons*.

57) When a person sustains to another a position of trust and confidence, his failure to disclose facts that he has a duty to disclose is as much a fraud as an actual misrepresentation. *Blanton v. Sherman Compress Co.*,

58) All cases in law, equity, admiralty or maritime, are now classified as "civil actions."

Civil maritime and admiralty actions require a contract between the plaintiff and defendant for the plaintiff to have standing to sue.

59) For the plaintiff to have standing in Case CR12-262RSL and for the court to have jurisdiction of the subject matter, there must be in existence a bona fide contract binding the accused into the criminal maritime jurisdiction and the prosecution has failed to file such evidence .

60) This is the foundation of the venue jurisdiction and the subject matter jurisdiction of the court.

61) In conclusion therefore, the innuendo of facts documented herein, initiated by GILBERT HENRY LEVY submission of frivolous paper and attempting to get a bogus "ORDER" is that said court is not, has not, and cannot take any action in support of GILBERT HENRY LEVY for want of jurisdiction as affirmed by said court's inability to respond or act, at law.

62) **ESTOPPEL CLOSING OF THE Case CR12-262RSL BY MATTER OF RECORD BEFORE THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE IN FAVOR OF AMERICAN NATIONAL Defendant in Error for Case CR12-262RSL :Fred-Francis Frink ET AL, AND THE REAL PARTIES IN INTEREST.**

63) THEREFORE, FOR WANT OF JURISDICTION AS EVIDENCED **BY MATTER OF RECORD** AND AS EVIDENCED BY FRIVOLOUS ACTIONS OF GILBERT HENRY LEVY and UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE THIS CASE **CR12-262RSL** IS NOW CLOSED BY ESTOPPEL IN FAVOR OF THE REAL PARTY IN INTEREST, **:Fred-Francis Frink , ET AL**, Agent for documented Natural born American National a Private Citizen Pennsylvania by Nativity American Nationals Under Almighty God and the common law of the Commonwealth of Pennsylvania.

CAVEAT

Upon receipt of this ESTOPPEL BY MATTER OF RECORD within 15 days as either a "Public Servant Who by Oath of office or duty as an officer of government created corporation by Foreign Agents Registration Act of 1938, municipality's, etc., and or by and through your "superior Knowledge of the law " you have to respond before December 29th 2012 to rebut and review point for point 1 to 63 and correct any errors within the ESTOPPEL BY MATTER OF RECORD and respond by Certified U.S. Mail as to any corrections to the enumerated points herein. Failure to do so before December 29th 2012, allowing up to three days grace for mail delivery, will place you and your office in default, and the presumption will be taken upon the public record that you and your office fully agrees to the points and authorities contained within this ESTOPPEL BY MATTER OF RECORD and that they are true, correct, and certain. (F.R.C.P. 8d).



Under Title 4 § 1 Positive Law

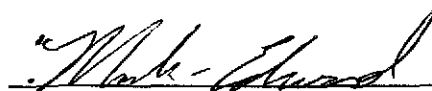
**Flag of the Republic. :Fred-Francis: :Mark-Edward. a Private Citizen
Pennsylvania and Illinois are Nativity American Nationals Under
Almighty God and the common law of the Commonwealth of
Pennsylvania, and Illinois Po Box 98 Bellevue Washington Zip Exempt
[CF98009CF]. 425-558-4838. Not Pro Se, Sur Juris In Propria Persona**

I, Mark-Edward a natural man of the genealogy of Hill do declare under penalty of perjury in accordance with the laws of the de jure united States of America chat the foregoing

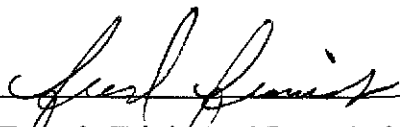
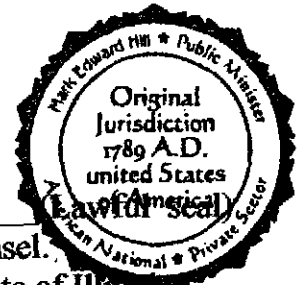
ESTOPPEL BY MATTER OF RECORD 16 of 18 Attached Document 59 1 of 5 refused

ESTOPPEL is true and correct to the best of My knowledge and belief not to harass or threat but as to have full disclosure and a end to my clients slavery.

Date December 14/2012.



Respectfully submitted by First choice of counsel.
:Mark-Edward:Hill, of the Republic Union State of Illinois
American National Nativity Right. Minister of
Justice 1789 Judiciary Act private sector.
(Counsel indispensable Real Party in interest and Witness)
All Rights Reserved



(Lawful seal)

Fred Francis Frink Real Party in interest of the Republic union state of Pennsylvania
American National Nativity Right. I approve First counsel submissions and agree by my lawful
seal or the irrevocable Article 1 section 10 clause 1 powers given to my counsel on page 3 of 7
paragraph 25. This Power of Attorney shall become effective immediately and shall not be
affected by my **disability or lack of mental competence**, except as may be provided otherwise
by an applicable positive law. This is a General Power of Attorney. This Power of Attorney
shall continue effective **until resolution with court/foreclosure and IRS matters**. This Power
of Attorney may be revoked by me by providing written notice to my Agent, **After the**
completion of the contractual agreement. In case of my unforeseen demise or death my agent
may continue to **collect and file suits in my name** all dues and distributed to Heirs of
chronological order blood line. Dated April 12th 2012. Notice :Mark-Edward:Hill Holds
Quiet Title to Fred Francis Frink and all powers by agreement.

King James Bible

Second Corinthians 13:1 This is the third time I am coming to you. In the mouth of two or
three witnesses shall every word be established

CERTIFICATE OF SERVICE

1)Corporate (public) "policy" employees (without Public Law authority) United States Attorney office Jenny A. Durkan and Andrew C. Friedman, Thomas Woods Assistant United States Attorney 700 Stewart Street, Suite 5220 Seattle WA 98101.

2)Corporate (public) "policy" employees (without Public Law authority) CJA ADMINISTRATION FEDERAL PUBLIC DEFENDER'S OFFICE and NANCY TENNEY CJA Administration Federal Public Defender's Office 1601 Fifth Ave, Suite 700 Seattle, WA 98101 (206) 553-2510, (800) 246-2724 Fax Number: (206) 553-2334.

3)Corporate (public) "policy" employees (without Public Law authority) United States District Court Western District of Washington, BRIAN A.TSUCHID and ROBERT STEPHEN LASNIK, 700 Stewart Street, Suite 5220 Seattle WA 98101.


4)Corporate (public) "policy" employees (without Public Law authority) DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE, TIMOTHY F. GEITHNER and R.A. MITCHELL and CHARLES WASHINGTON 520 112th Ave NE, Suite 200 Bellevue WA 98004. and MICHAEL BALL DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE CRIMINAL INVESTIGATION 800 Fifth Ave Seattle WA (206) 464-4921 cell (206) 391-3131. E-mail Michael.Ball@ci.irs.gov.

5) Corporate (public) "policy" employees (without Public Law authority) DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE, TIMOTHY F. GEITHNER Secretary of the Treasury U.S. Department of the Treasury 1500 Pennsylvania Avenue, NW Washington, D.C. 20220. *See: 5 U.S.C. § 702: Right of review:*

6) GILBERT HENRY LEVY Attorney at Law 330 Market Place One 2003 Western Avenue Seattle, Washington 98121. 206-443-0670 fax: 206-448-2252.

I, HEREBY CERTIFY that a true and correct, complete of the foregoing, was duly served To; Deputy clerk of the UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE and US Mail first class.

DATED: Redmond, Washington 12/14/2012

 (Lawful seal)
:Mark-Edward:Hill, of the Republic Union State of Illinois
American National Nativity Right. Minister of
Justice 1789 Judiciary Act private sector.



HONORABLE ROBERT LASNIK



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES

Plaintiff,

Defendant.

Cause No. CR 12-262RSL

MOTION FOR

RECONSIDERATION OF

DENIAL OF MOTION FOR

ORDER TO SHOW CAUSE

Note on Motion Docketed December

21, 2012

(See Arguments Requested)

Defendant, Fred Frink, by and through his attorney, Gilbert H. Levy, seeks reconsideration of this Court's Order Denying the Motion for an Order to Show Cause.

STATEMENT OF FACTS

On December 3, 2012, the Court entered an order denying Defendant's motion for an order to show cause, which sought to restrain Mark Hill from continuing to attempt to disrupt these proceedings by filing frivolous pleadings in the related civil matter. Mr. Hill has seized upon this denial to engage in further disruptive conduct. On December 10, 2012, he filed a spate of new pleadings in the related civil case pending before Judge Coughenour. The Court is requested to take judicial notice of the docket in Cause No. C-12-2048 JCC and the documents

Gilbert H. Levy

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Seattle, Washington 98121
(206) 443-0670 Fax: (206) 448-2252

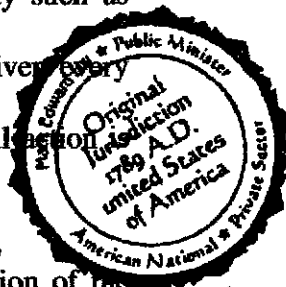
1 contained therein. Among other things, Hill has named the undersigned as a defendant in the
2 frivolous lawsuit. He has filed an additional pleading which appears to contain a number of
3 threats. He has refused move out of the Defendant's residence and refuses to allow Defendant or
4 his representatives to enter the residence for the purpose of retrieving his property such as
5 personal computers, which the Defendant needs to prepare his defense. Hill has given
6 indication that he will continue his abuse without the Defendant's participation, until action
7 taken to prevent him from doing so.

8 Hill's conduct is disruptive to the instant proceedings. He diverts the attention of the
9 undersigned from dealing with the charges and compels him to address ridiculous side issues.
10 Because the undersigned is representing the Defendant pursuant to a Criminal Justice Act
11 appointment, these aggressions come at public expense. Furthermore, Hill is interfering with the
12 Defendant's right to counsel and the attorney client relationship by creating a potential of
13 conflict interest.¹ Finally, the Defendant's displacement from his home coupled with his
14 inability to retrieve his personal property places an additional strain upon him as he prepares a
15 defense to the instant charges.

16
17 This Court relied upon *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100
18 (1969) for the proposition that, because Mr. Hill is not a party to this proceeding, it lacks
19 authority to issue an order against him. However, *Zenith* is outdated and inapposite.

20 First, Fed. R. Civ. Proc. 71 is worth bringing to the Court's attention. That rule,
21 promulgated by the Supreme Court in 1987, nearly two decades after *Zenith*, says "When an
22

23 ¹ See *Manhalt v. Reed*, 847 F. 2d 576 (9th Cir. 1988).



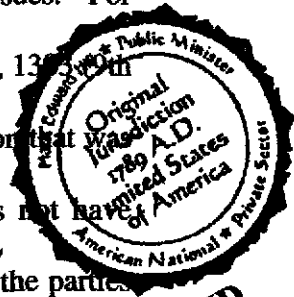
Refused for cause All submissions by
GILBERT HENRY LEVY Admiralty
Case No. 12-C-2048-JCC filed in Original
Estate Article III; Constitution and ALL Orders
FOR criminal case CR12-262RSL NOT A
ARTICLE III COURT said reasonable
OBLIGATIONS OF CONTRACTS. Date 12-13-2012
APPEARANCE OF GILBERT HENRY LEVY TO BE STRICKEN FROM THE RECORD AND
ALL Judges Orders under THREAT AND DURESS SIGNATURES OF MY CLIENT
FREDERICK FRANK BE REMOVED WITH PREJUDICE PER ARTICLE I
SECTION 10, CLAUSE 1 OF THE DE JURE CONSTITUTION RIGHT OF EX POST
FACTO LAW, OR LAW IMPAIRING THE OBLIGATIONS OF CONTRACTS.

1 order grants relief for a nonparty or may be enforced against a nonparty, the procedure for
2 enforcing the order is the same as for a party."

3 Further, the Ninth Circuit distinguishes between having jurisdiction to issue a final order
4 on the merits over a nonparty, as in *Zenith*, from imposing orders on collateral issues. For
5 example, in *Westlake N. Prop. Owners Ass'n v. City of Thak and Oak*, 915 F.2d 1301, 1308 (9th
6 Cir. 1990), the court held that it could sanction attorneys who brought a frivolous action that was
7 incorrectly removed from state to federal court. It held that "even if a court does not have
8 jurisdiction over the underlying action, it may have jurisdiction to determine whether the parties
9 have abused the judicial system and whether sanctions are appropriate to remedy such abuse."

10 Further, it said, "it seems clear that Rule 11 was intended to assure that process be made
11 available to enforce court orders in favor of and against persons who are properly affected by
12 them even if they are not parties to the action." *Id.* at 1304 (quoting *Levy v. Hinkley*, 558 F.2d
13 1133, 1137 (2d Cir. 1977)). See also *Carter & Harman*, 1990 WL 384, 394-95
14 (1990) (court may issue Rule 11 sanctions even if a case has been voluntarily dismissed and the
15 court's authority over the parties is eradicated). The primary difference between *Westlake* and
16 the instant case is that the people filing frivolous pleadings in *Westlake* were actual attorneys,
17 whereas Mr. Hill is a chairman and a fraud.

18 The Court of Appeals has also approved of contempt proceedings against nonparties who
19 have abetted a party in violating an order. See *Peterson v. Highland Music, Inc.*, 140 F.3d 1313,
20 1323-24 (9th Cir. 1998) (citing *NLRB v. Sequoia District Council of Carpenters*, 568 F.2d 628,
21 633 (9th Cir. 1977)). Here, to the extent that the civil litigation filed by Mr. Hill on the
22
23



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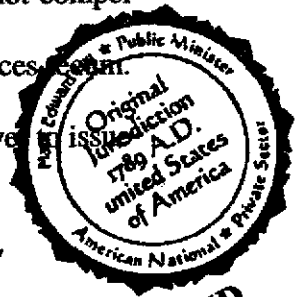
Defendant's behalf constitutes a bond violation, Mr. Hill abetted it, and has therefore subjected himself to the Court's jurisdiction.

Finally, this Court's interpretation of *Zenith* contravenes many pervasive practices in this Court. If the Court had no authority to impose orders over any nonparties, it could not compel grand jury witnesses to testify, issue material witness warrants, or issue subpoenas duces tecum. The court would come to a standstill in many respects if it withheld from itself the power to issue orders against nonparties that are necessary for the administration of justice.

While the Court is entitled to be cautious in exercising its inherent contempt power, it is incorrect that jurisdiction is lacking. More to the point, something needs to be done about Mr. Hill who will continue to escalate his disruptive behavior until action is taken to put a stop to it. The Court and/or the Government are in the best position to deal with Mr. Hill rather than this case or in the related civil action. The Court can order Mr. Hill to refrain from further filings and refrain from threats and harassment under penalty of contempt. Since Hill is interfering with Defendant's right to counsel by creating a potential conflict of interest, this could ripen into a Sixth Amendment violation unless the Court intervenes. For these reasons, the Court should reconsider its previous ruling and grant appropriate relief.

DATED: December 12, 2012.

/s/ Gilbert H. Levy
Gilbert H. Levy, WSBA #4805
Attorney for Defendant



Refused for cause All submissions by
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Case No 12-C-2048-JCC filed IN Original
Estate Article III; Constitution and ALL Orders
FOR criminal case CM12-262RSL NOT A
ARTICLE III COURT said treasonable
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(law seal)
APPEARANCE OF GILBERT H. LEVY TO BE STICKEN FROM THE RECORD AND
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CERTIFICATE OF SERVICE

I certify that on December 12, 2012, I caused to be electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record.



Refused for cause All submissions by
GILBERT HENRY LEVY Admiralty
Case No.12-C-2048-JCC filed IN Original
Estate-Article III; Constitution and ALL Orders
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Mark Edward
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